



ARIZONA HOUSE OF REPRESENTATIVES

HB 2359: universities; governing boards

PRIME SPONSOR: Representative Finchem, LD 11

BILL STATUS: [Federalism, Property Rights & Public Policy](#)

Legend:

ABOR – Arizona Board of Regents

Amendments – **BOLD** and ~~Stricken~~ (Committee)

Abstract

Relating to the Arizona Board of Regents and public universities.

Provisions

1. Requires each public university to be governed by a governing board and elect a chairperson from amongst five members, three of which are appointed by the Governor, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate. (Sec. 36)
2. Mandates that the initial members of a governing board assign themselves by lot to two terms of two years, two terms of three years and one term of four years in office to begin and end on the third Monday in January, subject to legislative approval. (Sec. 36)
3. Specifies that the chairperson notify the Governor's office, the President of the Senate and the Speaker of the House of Representatives on the term appointments and all subsequent members serve four year terms of office to begin and end on the third Monday in January. (Sec. 36)
4. Requires the governing board to provide direct oversight of the university President and may:
 - a. Adopt a corporate seal;
 - b. Contract;
 - c. Sue and be sued; and
 - d. Purchase, receive, hold, make and take leases and sell real and personal property for the benefit of this state and for the use of the university. (Sec. 36)
5. Clarifies that each member of the university governing board are immune from personal liability, with respect to all acts done in good faith, within the scope of their authority during regular and special meetings with approval of a majority of the board. (Sec. 36)
6. Prohibits governing board members from receiving compensation, but are eligible for reimbursement of the following expenses and amounts:
 - a. Up to \$1,000 each year for mileage; and
 - b. \$500 for each meeting attended, for a total each year to not exceed \$6,000. (Sec. 36)
7. Requires each university to provide adequate staffing for the university's governing board. (Sec. 36)
8. Mandates each governing board to conduct a monthly business operational review of its university. (Sec. 36)
9. Reclassifies ABOR as an advisory board that provides general oversight over the public universities. (Sec. 39)

☒ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

10. Allows ABOR to do the following:
 - a. Submit recommendations to the governing boards of each university;
 - b. Meet to evaluate the performance of each university president;
 - c. Nominate potential replacements for university presidents; and
 - d. Act as a mediator if a university president is terminated by the governing board. (Sec. 39)
11. Prohibits ABOR from hiring, employing or terminating any staff. (Sec. 39)
12. Contains purpose clauses. (Sec. 191, 192, 193)
13. Contains a prop 105 clause. (Sec. 195)
14. Makes enactment conditional upon the Arizona geological survey raising sufficient monies to refurbish and open a mining mineral and natural resources educational museum; and SB 1010 becoming law. (Sec. 196, 197)
15. Makes technical and conforming changes. (Sec. 1-189)

Current Law

Contained within [Title 15, Chapter 13, Article 2](#) are laws relating to ABOR. Included therein are the general powers and duties of ABOR.

Additional Information

In 1864, the first territorial legislature authorized the establishment of the University of Arizona and provided for management, direction, governance and control by a ABOR. State colleges were governed by a three-member State Board of Education that included the Superintendent of Public Instruction and two members appointed by the Governor. In March of 1945, the Governor signed HB 136 uniting the governing boards of the university and state colleges of Arizona. The authority of ABOR expanded to include Arizona State University and Northern Arizona University.

ABOR acts on license applications, determines compliance, investigates complaints and violations, takes disciplinary action, confiscates and retains student educational records, provides students with access to their educational records and administers the Student Tuition Recover Fund. The Fund provides financial restitution to students who are injured by private postsecondary institutional closures. ([AZ Board of Regents](#))